

**Chairperson**  
Bernard Frezza

**Vice-Chairperson**  
Anthony Piloizzi

**Secretary**  
Joseph Anzelone

**Counsel for the Board**  
Joseph Ballirano, Esq.



**Building Official**  
Bernard J. Nascenzi, C.B.O.

**Zoning Board Members**  
Richard Fascia  
Thomas Lopardo

**Alternate Board Members**  
Dennis Cardillo  
Albert Colannino

**Recording Secretary**  
Holli Stott

**JOHNSTON ZONING BOARD OF REVIEW**  
100 Irons Avenue, Johnston, Rhode Island 02919  
**Tel: 401-231-4000 ext 4068 Fax: 401-231-4181**

## **MINUTES**

**September 27, 2012**

The Zoning Board of Review held its monthly meeting on the 27th day of September 2012 at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairperson, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Richard Fascia, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official, Joseph Ballirano, Esq. and Dianne Edson, Stenographer.

Mr. Piloizzi made the motion to approve the minutes of last months meeting. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Frezza made two announcements before the meeting started. First File number 2012-49, 57 Carpenter drive will be continued next month and file number 2012-56, 1757 Plainfield Pike will also be carried until next month.

Mr. Piloizzi made the motion to continue both items until next month. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Piloizzi made a motion to suspend the rules and reopen as the Zoning Board of Appeals. Mr. Anzelone seconded. A voice vote was taken; all in favor.

### **A. File 2012-57 (Appeal from a decision from the Building Official pursuant to Art. XVIII Sect § 340-129)**

LOCATION: 65 Shun Pike  
OWNER/ APPLICANT: Rhode Island Resource Recovery Corporation  
LOT: AP 43 — Lot 402; IS Zone  
EXISTING USE: Recycling facility  
ISSUE: Violation of section §340-16 Performance Standards subsection H and section 23-27.3-124.0 Unsafe Structures of the Rhode Island State Building Code subsection 7

Mr. William Conley, Solicitor for the Town of Johnston, presenting on behalf of the Building Official Bernard Nascenzi. Mr. Conley explained that earlier in the day they were in superior court for Broadrock Gas Services to get a temporary restraining order to prevent this hearing from taking place tonight. The restraining order did not get granted and that's why they are here tonight.

Neil Wickets and James McGair, co-councils for Broadrock, called Mr. Bernard Nascenzi to be cross examined. Mr. Nascenzi explained to the board his qualifications.

Mr. Pillozzi made the motion to accept Mr. Nascenzi as a qualified witness. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Witkes asked the board if they could have about 10 of 15 minutes to get situated. Mr. Pillozzi made the motion to take other items on the agenda first and then resume with Broadrock. Mr. Anzelone seconded. A voice vote was taken; all in favor.

Mr. Pillozzi made a motion to recess as the Zoning Board of Appeals and open as the Johnston Zoning Board of Review. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

#### **B. File 2012-51**

LOCATION: 8 Lakeview Avenue  
 OWNER/ APPLICANT: Steven Dowling  
 LOT: AP 46 — Lot 62; 5,213 sq. ft.; R-40 Zone  
 EXISTING USE: Vacant Dwelling  
 PROPOSAL: Occupy dwelling

**Dimensional Variance** petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	40,000'	5,213'	34,787'
	—FRONTAGE	140'	75'	65'
	— WIDTH	140'	75'	65'
	— FRONT YARD	40'	24'	16'
	— REAR YARD	75'	7'	68'
	— LEFT SIDE YARD	35'	3'	32'

Mr. Al Russo, attorney for the applicants, was sworn in and he explained to the board that the applicants would like to do an extreme renovation without changing the footprint of the dwelling. Mr. Nicholas Veltri, professional land surveyor, was sworn in and he explained to the board that once this home is completely done it will have public water and a new septic system. Mr. Veltri showed the board front elevations, as well as the floor plan.

No one for or against

Mr. Pilozzi made a motion to approve. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor. With the stipulation that the building official is notified when DEM approves the new septic system.

### **C. File 2012-53**

LOCATION: 2320 Plainfield Pike  
 OWNER: Cleri Property Management  
 APPLICANT: New Era Enrichment Academy, LLC  
 LOT: AP 33 — Lot 59; 19,862 sq. ft.; R-40 Zone  
 EXISTING USE: Vacant Office  
 PROPOSAL: Day Care Facility

**Special Use Permit** petitioned under Article XII § 340-75 Special Use Permit

**Dimensional Variance** petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	40,000'	19,862'	20,138'
	— LOT COVERAGE	15%	15.9%	.9%
	— REAR YARD	75'	15.4'	59.6'
	— LEFT SIDE YARD	35'	27.6'	7.4'

Mr. Mark Liberati, representing New Era Enrichment Academy, along with the owners of the company Marlena DeLuca and Vanessa Boynaya-Faiola. Mr. Liberati explained to the board what they are looking to do at this location. Mr. Liberati requested that the board amends the application and adds in that the applicant's new signage relief.

Mr. Pilozzi made a motion to amend the application. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Ms. Deluca then explained to the board all about her experience and what the new era enrichment is all about and how between the ages of 0 and 5 years of age it is optimal for significant development. Ms. Boynaya-Faiola also explained to the board her background. Ms. Deluca also explained to the board all about DCYF's requirements for a new learning facility. She went over the parking plan and how many children per teacher ratio. Ms. Deluca went over the times of operation for the workers and the children. It will be drop off starting at 7 am and picking up starting at 3:30 pm and not everyone will be coming and going all at once.

Vincent Cleri, owner of the property, was sworn in and he explained to the board that the septic system will have to be enlarged for the addition as well as the traffic flow.

Mr. Claude Hawkins, abutter to the property, was sworn in and his concern was that he was seeking a paper stating that he is relieved of all responsibilities for anyone getting hurt on his property. Mr.

Ballirano explained to him that he can not advise him but there are steps he can take to limit his liability as a landowner. Ms. Deluca assured Mr. Hawkins that the play yard will be fenced in and there will be security to get into the building.

Mr. Nascenzi questioned Mr. Cleri about position of the dumpster and shrubs around.

Ms. Deluca, then went on stating about the signage and how big the signs are going to be, how high off the ground and how they will be illuminated. No traffic will be blocked in any way. Mr. Cleri stated that he will need to obtain physical alteration permit from D.E.M for any additional driveways that might be needed.

Mr. Pilozzi made a motion to approve. Mr. Anzelone seconded the motion. With the stipulations of the drainage and buffer plan. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to recess as the Zoning Board of Review. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

Mr. Pilozzi made a motion to reconvene as the Build Board of Appeals. Mr. Anzelone seconded the motion. A voice vote was taken; all in favor.

**\*\*\*Whereupon the appeal from a decision from the Building Official pursuant to Article XVIII Section 340-129 – 65 Shun Pike – RIRRC, was heard, and the transcript is under separate cover.\*\*\***

Mr. Frezza explained to the remaining applicants that they will not be hearing anymore applications and there will be a special meeting for the remaining applicants on October 4, 2012 at 7:00 p.m.

Mr. Anzelone made a motion to adjourn. Mr. Lopardo seconded the motion A voice vote was taken; all in favor.

**Adjourn 1:37 a.m.**